



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652

CATEGORICAL EXCLUSION

DOI-BLM-CO-N040-2015-0084-CX

BACKGROUND.

Lease/Serial/Case File No. None.

PROPOSED ACTION.

Commercial Mountain Biking Trips – Wilderness Voyageurs, New Special Recreation Permit (SRP) Permit

LOCATION OF PROPOSED ACTION.

The proposed permit holder would use Bureau of Land Management (BLM) lands within the Colorado River Valley Field Office in the Hardscrabble Special Recreation Management Area. Also see details on map in Attachment A.

DESCRIPTION OF PROPOSED ACTION.

The proposed action is to issue a new special recreation permit (SRP) to Wilderness Voyageurs to operate commercial guided mountain biking trips (day use only) in the Hardscrabble Special Recreation Management Area (see details on map in Attachment A) for 6 days annually in September and October in 2015 and 2016.

Land Use Plan Conformance. The proposed action is subject to, and has been reviewed for, conformance with this plan (43 CFR 1610.5, BLM 1617.3).

Name of Plan. Colorado River Valley Field Office (CRVFO) Record of Decision (ROD) and Approved Resource Management Plan (RMP).

Date Approved. June 2015

Decision Number/Page. Decision Number REC-MA-11. *Special Recreation Permits* decisions begin on page 100.

Decision Language. SRPs are issued as a discretionary action for activities that:

- are consistent with resource/program objectives (e.g., SRPs may not be authorized/amended if desired use levels are meeting or projected to exceed desired levels of RMAs or recreation sites)
- are within budgetary/workload constraints (e.g., If the CRVFO is unable to fulfill or complete all the necessary steps of issuing and managing an SRP, then an SRP may not be issued)
- would satisfy a public demand that the applicant can factually demonstrate is not being met (e.g., SRPs may not be authorized/amended if a similar service is being offered in an area and there is no market research, demand analysis, recreation monitoring, or staff knowledge indicating a public demand exists)
- would not cause public health and safety issues or create user conflicts (e.g., An SRP may not be issued if BLM lands together with projected public use levels are insufficient to accommodate the proposed use).

COMPLIANCE WITH NEPA.

The proposed action qualifies as a categorical exclusion under 516 DM 11, Appendix 4, Number H. Recreation Management.

Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Table 1. Exclusions.

EXCLUSIONS	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW.

Table 2. BLM Interdisciplinary Team Authors and Reviewers.

Name	Title	Area of Responsibility
Kimberly Leitzinger	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness, Recreation
Erin Leifeld	Archaeologist	Cultural Resources and Native American Religious Concerns
Carla DeYoung	Ecologist	ACECs; T/E/S Plants; Vegetation; Wetlands & Riparian Zones; Land Health Standards

Hilary Boyd	Wildlife Biologist	Aquatic Wildlife Including T/E/S, Migratory Birds, and Terrestrial Wildlife Including T/E/S
Pauline Adams	Hydrologist	Soils, Water, Air, Geology
Brian Hopkins	Assistant Field Manager	NEPA Compliance

REMARKS/MITIGATION. The following mitigations will be carried forward within the permit under special conditions:

1. The Special Recreation Permit Terms, Conditions and Stipulations for all Permitted Activities (Attachment B) will apply to the permits. A copy of these terms is signed by the permittee and is in their file.
2. Additional Special Stipulations will apply to the permits. See Attachment C for details.
3. Special Status Plants. Portions of the proposed action would occur in an area designated as an Area of Critical Environmental Concern for the protection of a core population of the BLM Sensitive plant species, Harrington's penstemon. If future botanical monitoring determines that substantial adverse impacts are occurring to the populations of Harrington's penstemon or to the habitat which supports the species, changes to the permit may be required to help mitigate the impacts.
4. Cultural Resources and Native American Religious Concerns.
 - A records search of the general project area was completed for proposed project and a total of 62 previous cultural resource inventories have been conducted within one-mile of the Area of Potential Effect (APE). These inventories have documented 131 cultural resources within one-mile of the APE of this project (see Class I). Of the 131 resources, 12 are within the APE and include one eligible historic ditch (5EA.3186.1), one historic trash scatter (5EA.2538) and two historic road segments (5EA1533.1-2) which are not eligible, one prehistoric site (5EA.2504) which is not eligible, one historic isolated find (5EA1993) that is not eligible, and six prehistoric isolated finds (5EA.2291, 5EA.2006, 5EA.2534, 5EA.2537, 5EA.2539, and 5EA.2002) all of which are not eligible for the National Register of Historic Places (NRHP).
 - All of the proposed routes have been previously inventoried. There is low potential for impacts to cultural resources from this project based on no new ground disturbances as the proposed activities are occurring on existing routes. The one eligible site documented within the APE is a historic ditch and will not be impacted by project implementation. Therefore, a determination of *no adverse effect* has been determined for this project. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

- The Ute have a generalized concept of spiritual significance that is not easily transferred to Euro-American models or definitions. As such the BLM recognizes that the Ute have identified sites that are of concern because of their association with Ute occupation of the area as part of their traditional lands. No traditional cultural properties, unique natural resources, or properties of a type previously identified as being of interest to local tribes, were identified during the cultural resources inventory of the project area. No additional Native American Indian consultation was conducted for the proposed project.

5. Cultural Resources and Native American Discovery Stipulations.

- If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.
- Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

SUMMARY OF FINDINGS.

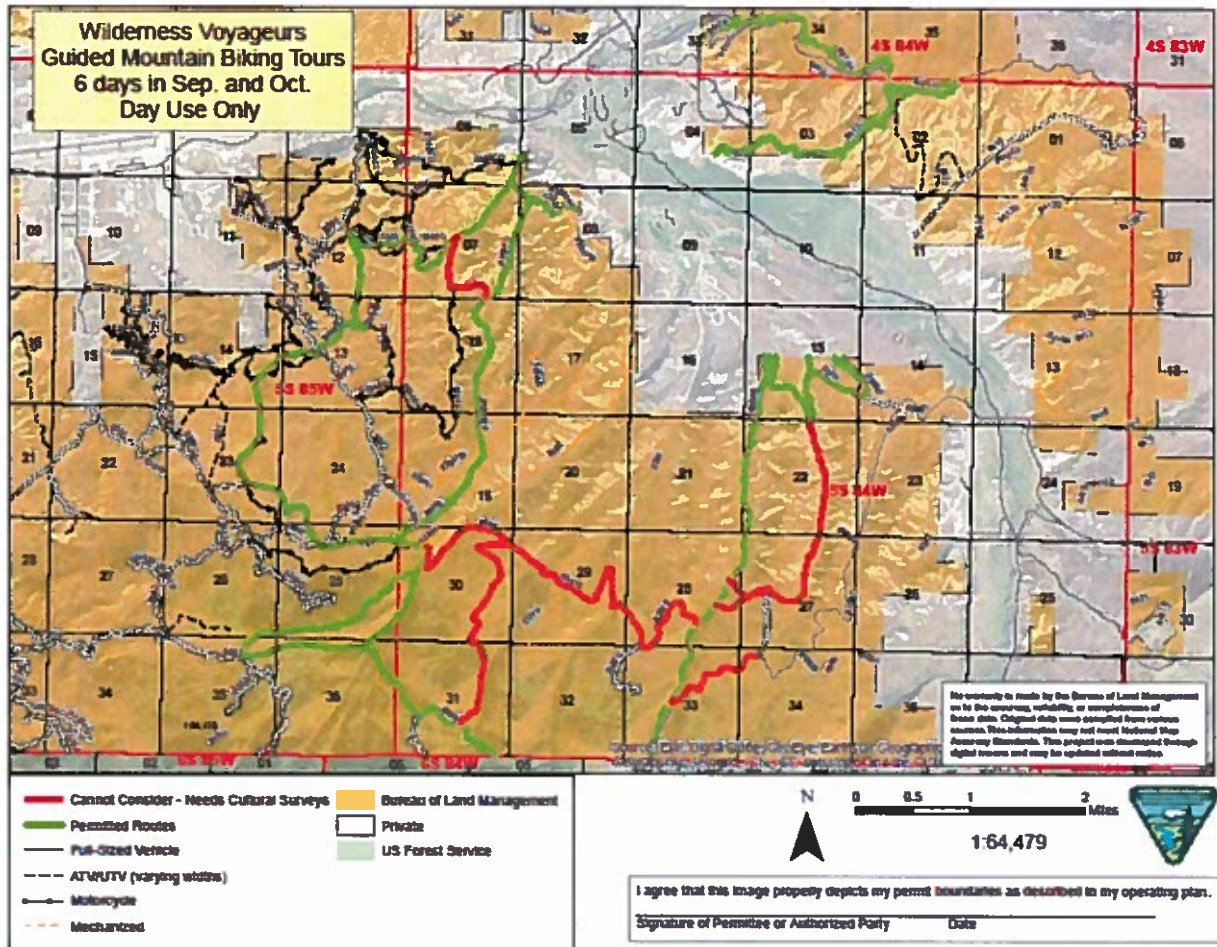
I considered this action and determined that it may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

Signature.

Authorizing Official:  Date: 9-17-15
Brian R. Hopkins
Assistant Field Manager

Contact Person. For additional information concerning this CX review, contact Kimberly Leitzinger, Outdoor Recreation Planner, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652, (970) 876-9075.

Attachment A



Attachment B

SPECIAL RECREATION PERMIT TERMS, CONDITIONS AND STIPULATIONS FOR ALL PERMITTED ACTIVITIES

Stipulations: The following standard stipulations are automatically included and apply to all permits (some additional stipulations are specific to only certain activities). Failure to comply with these stipulations may result in remedial actions listed below under Performance Evaluation, Section XVIII. B. Per 2932.40, violations of permit terms or stipulations may be subject to fines and imprisonment, in addition to administrative penalties.

I. RISKS, HAZARDS AND SAFETY

- A. Adequate first aid and safety equipment shall be provided while performing the permitted activities.
- B. All guides and employees responsible for clients in the field shall be trained in First Aid and hold a valid certification of training from the American Red Cross or its equivalent.
- C. In case of human death, or wildfire, involving the permitted operation, the County Sheriff shall be notified immediately, and the BLM shall be notified immediately after the Sheriff is notified.

II. INDEMNIFICATION

- A. The permittee shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the authorized use and occupancy of the lands authorized for use under this permit.
- B. **Insurance:** Coverage shall be obtained for the permitted operations in the minimum liability coverage amounts of

GENERAL GUIDELINES FOR MINIMUM INSURANCE REQUIREMENTS		
SRP Event or Activity	Per Occurrence	Per Annual Aggregate
Low Risk: general non-competitive and non-commercial activities such as group camping, group activities, mounted orienteering, backpacking, or dog trials.	\$300,000	\$600,000
Moderate Risk: whitewater boating, horse endurance rides, OHV events, mountain bike races, rock climbing (with ropes), ultra-light outings, rodeos	\$500,000	\$1,000,000
High Risk: bungee jumping, speed record events, unaided rock climbing, heli-skiing, or aviation assisted activities	\$1,000,000	\$2,000,000 - \$10,000,000

- C. An insurance certificate shall be submitted, stating the limits of coverage, identifying the "Department of the Interior, Bureau of Land Management" as additional insured, that includes the minimum shown above, expiration date, and a list of the activities that are permitted and insured.
- D. The permittee will ensure the BLM will be notified 30 days in advance of termination or modification of the policy, or modification of such insurance.
- E. The insured on the insurance certificate must match the permitted name of business or organization on the permit form.

IV. LIMITATIONS

- A. This permit authorizes only temporary use in connection with the operations, during the period(s) and in the area(s) identified in the permit and authorized by an Annual Operating Authorization.
- B. If an existing commercial permittee wishes to sell or otherwise terminate his or her business and desires that permit privileges be transferred to a new owner, the permittee must notify the authorized officer in advance, in writing, and receive advance written approval for the permit transfer from the authorized officer.
- C. Use of Non-Public lands: This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land).
- D. The applicant shall provide upon request the name(s) and address(s) of private landowners whose property is used in connection with the permitted operations, and evidence of permission to use such land.
- E. Access to Public Lands: The BLM does not guarantee legal access to public lands unless legal access for the general public is available. Where legal public access is not available, the permittee is responsible for obtaining permission from the landowner(s) to travel through or use private lands.
- F. Multi-Year Permits: A multi-year permit is not valid unless accompanied by a current Annual Operating Authorization.
- G. Joint Permit Requirement: Code of Federal Regulation citations for both the BLM and Forest Service are valid and will be enforced for joint permits on associated public lands.
- H. If a hon outfitter does not own their own dogs, the permittee must furnish copies of all lease or rental arrangements for the dogs and/or dog handler(s) that they plan on using upon request. Dog handlers must be listed as guides.

V. ASSIGNMENT AND SUBLETTING OF PERMIT PRIVILEGES

The permittee may not assign permit privileges to a third party, including booking agents. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip or activity and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.

The following is required:

- A. A third party advertisement used to book a trip must clearly indicate that the trip will be operated by the company holding the permit;
- B. Guides and employees must fall under federal and state employment regulations and be listed in the operating plan prior to each operating season. (ie. IRS Form-1099, independent contractor form).
- C. If you are proposing to employ guides or employees who are licensed and/or permitted outfitters elsewhere that must be disclosed at the time you submit their name and information on your guide list.
- D. Written notice must be given to the BLM to use equipment with outfitter markings (company names, logos, etc.) other than those of the permit holder prior to the time of use (hunt, launch, tour, etc.).

VI. NON-EXCLUSIVE USE

- A. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.
- B. Public lands will generally remain available on a first-come, first served basis to other commercial and private recreational users.

VII. CONDUCT AND MANNERS

- A. The permittee is at all times responsible for the actions of himself, his employees, clients and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
- B. The permittee shall practice the TREAD LIGHTLY and LEAVE NO TRACE land ethics and inform their clients about these practices and ensure that they follow them.
- C. An outfitter shall maintain a regular place of business at which mail and phone calls can be received and provide address and physical location of such business to the BLM. Any change of mailing address, place of residence, or telephone number shall be reported to the BLM within thirty (30) days of such change.
- D. The permittee must maintain the following internal accounting records pertaining to the permit for a minimum of three years after the expiration of the permit:
 - a. W-2 records or a similar record of employment for all employees conducting activities under the permit,
 - b. A record of all financial relationships with booking agents or advertisers,
 - c. A record of all receipts or compensation including payments, gratuities, donations, gifts, bartering, etc., received from any source during activities conducted under the permit, and

- d. A record of all payments made by the permittee and claimed as a deduction in the permittee's fee submission.
- e. A complete and reconcilable accounting system that includes the following items:
 - i. Customer cash receipt deposit ledger or statements. These include the deposit transactions with continuous sum totals.
 - ii. Bank statements/ledgers, or the deposit slip ledger receipts

VIII. APPLICATION FOR MODIFICATION OR AMENDMENT

- A. If needed, as determined by the authorized officer, the permittee shall apply for an amendment or modification of the permit prior to issuance of the annual operating authorization for changes in: use areas or sites, season of use, services provided, fee structure, or any other changes in operations.
- B. An amendment or modification may require a re-issuance of a permit and may be charged a renewal fee of \$50.
- C. Check with individual field offices for permit amendment deadlines.

IX. PAYMENTS

- A. Use Fee Payments: Permit fees are due and payable in advance based on estimated use gross receipts. Payments shall be made to the Field Office by check, credit card, money order or cashier's check, payable to the "Bureau of Land Management".
- B. Periodic Payments: At the Field Manager's discretion, when the estimated use fee is greater than one thousand dollars (\$1,000), a schedule for periodic payments may be arranged.
- C. End of Season Payment: The post-use reports and/or trip logs are due 30 days after the last day of use or as specified on SRP. The actual use fee shall be calculated from the reports by the field office and billed accordingly.
- D. Refunds:
 - 1. All overpayments will be credited for use for the following operating season.
 - 2. Refunds may be issued in the case of permit transfers, permit cancellations, and expired non-renewing permits. Refunds must be requested in writing.
- E. Late Payments
Late payment of fees may result in additional fee penalties, permit probation, suspension, and/or cancellation, and interest and administrative handling charges.
- F. Deductions: Allowable deductions in permit fees shall be agreed upon in advance, and may include costs related to the permitted operations incurred by the permittee for long distance off-site transportation, and off-site lodging, per Handbook H-2930-1.
- G. Discounts for Non-Public Lands use (For Upland Use Only) must be requested and approved prior to use. No discounts are allowed for river related permits.

X. USE REPORTS

- A. **Commercial Trip Logs:** The permittee shall submit trip logs within 30 days of the authorized use season or as specified on the permit, on a form provided by the BLM, or an approved equivalent.
- B. **Event Post Use Report:** A Post Use Report shall be submitted as specified or within 30 days of the last day of use authorized or as specified on permit, on a form provided by the BLM, or an approved equivalent.
- C. Trip log and post use reports shall indicate accurately the dates of use, location, type of use, the total number of clients served during the term of the permit, total staff, total receipts and total deductions claimed, discounts for time off public lands, and describe any accidents or injuries occurred, and management problems or concerns.
- D. **Late Use Reports:** Late submission of use reports may be cause for action against the permittee, including probation, suspension, and/or cancellation, and criminal penalties.
- E. **Non-Use:** Zero use must be requested in writing. Minimum fees still apply. The authorized officer may cancel a permit after two consecutive seasons of non-use. In certain areas covered by Special Recreation Management Plans, travel management plans, or other site-specific plans, special provisions regarding non-use of permits may apply.

XI. INSPECTION OF RECORDS AND PREMISES

- A. The BLM and its cooperators, including the Colorado Parks and Wildlife, and USDA Forest Service, shall at all times have the right to enter the premises located on public land on official business. The permittee shall acquire reasonable access to private lands owned or utilized in the permitted operation for purposes related to administration of the permit.
- B. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee, the permittee's operator, employee, or agent for up to three years after expiration of the permit.

XII. SIGNING AND ADVERTISING

- A. Signs or advertising devices on public land require advance approval on the location, design, size, shape or color, and message.
- B. All advertising shall be accurate and not misrepresent in any way the services or accommodations provided, or the area authorized for use. Brochures, web pages and other advertising materials shall include the following disclosure: "All or part of this operation is conducted on Public Lands under special permit from the U.S. Bureau of Land Management".
- C. Official BLM agency symbols may not be used in advertising.

XIII. CAMPSITES

- A. Camps may be set up for no longer than necessary, and no earlier than 5 days prior to the first day of use authorized and must be removed within five days after the authorized use period. No year-round, permanent camps may be established on BLM lands; only temporary facilities are permitted.
- B. Camps shall be located to avoid conflict with public road and trail traffic, and stream or lake access, and to the extent possible shall be located out of sight of major trails.
- C. All campsites and temporary improvements shall be as described in the approved operating plan.
- D. All campsite facilities including but not limited to tents, latrines, livestock control facilities, shall be located at least 200 feet from the nearest spring, stream, lake, pond or reservoir unless specifically authorized otherwise.
- E. All campsites must be approved prior to use. Clearances may be required, such as inventories for cultural resources and/or for threatened or endangered species.

XIV. CAMPFIRES

- A. Unless permanent fire rings are designated, open campfires shall be built only in areas free of hazardous fuels. Fire rings or pits shall be set on bare mineral soil. After use, fire rings or pits shall be obliterated and the site rehabilitated. Open fires may be prohibited in certain areas or during periods of extremely high fire hazard by order of the BLM, the applicable county or the State of Colorado.
- B. Campfires shall be completely extinguished when left unattended. The permittee is responsible for all fires started by him/her self, employees, or clients, and may be held responsible for fire suppression costs resulting from wildfire caused by his/her operations.
- C. An axe, shovel, water bucket or extinguisher for fire control shall be available at each campfire.
- D. Wildfire caused by the permitted operation shall be reported immediately to the nearest BLM office. The permittee is responsible for informing employees, clients, and participants of the current fire danger and required restrictions or precautions that may be in effect.

XV. LIVESTOCK USE

- A. Authorized pasture use of livestock is temporary and limited to transportation purposes, and will not establish a priority for future use of the range. Rangeland grazing may be restricted and feed may be required to be packed, all feed supplied as part of permitted operations must be certified weed free. The permittee shall prevent localized over grazing and damage to vegetation by permitted livestock.
- B. Construction of permanent fences or corrals is not permitted. Temporary livestock control structures may be erected with advanced approval, including corrals and hitching racks, provided they are dismantled after the use season.

- C. The permittee may be required to pay additional fees for forage consumed by livestock during the permitted operations. This fee will be at the current rate for grazing use.
- D. Livestock shall not be tied to trees for other than short term, temporary stops. Hobbles, pickets, high lines or corrals shall be used to control livestock.
- E. Livestock control structures (corrals, hitching racks, pickets, high lines) must be at least 200 feet from springs, streams, lakes, reservoirs or other water sources. Whatever method of livestock control is used, it will not result in removal or death of the under story vegetation.
- F. Pack stock may be grazed if permitted by the SRP. If electric fences are used, they will be moved every 3 days to a new area. If picket ropes are used, they will be moved every other day to a new area. If high lines are used, their location must be approved in advance.

XVI. EQUIPMENT CACHES

Food and/or equipment caches require advance authorization. When authorized, caches shall be neatly stored out of sight of roads and trails. Food caches must be "wildlife resistant."

XVII. RESOURCE PROTECTION

- A. Aesthetics: Permittee shall protect the scenic and aesthetic values of the public lands used in the operations, and maintain premises on permitted areas to acceptable standards of repair, orderliness, and cleanliness.
- B. Rehabilitation: After camps and other temporary facilities are dismantled, insofar as practical, the area shall be left in a natural state. Reseeding with BLM approved seed mix may be required of any areas disturbed by campsites.
- C. Sanitation: Self contained or pit type toilets/privies, with or without tent coverings, shall be used at all campsites on public land. The permittee will be responsible for establishing a latrine for all permitted camps and for final rehab when the camp is removed. Waste from self contained toilets must be disposed of at a State approved sewage disposal facility. When abandoned, toilet pits shall be covered with a minimum of 12 inches of topsoil and back filled to pre-existing grade. While in use, human waste in pits shall be covered with a layer of topsoil or lime after each individual use.
- D. Trash Disposal: Camps and other permitted areas shall be regularly cleaned and no trash or litter shall be allowed to accumulate. Combustible trash may be burned when campfires are authorized. All non-combustible trash, including but not limited to tin cans, spent brass, glass bottles, foil, and wire shall be packed out. Trash shall not be buried on public land.
- E. Dead animals and their remains shall be disposed of at least 200 feet away from springs, streams, lakes, ponds, campsites, roads/trails.
- F. Waste or by-products of any kind shall not be discharged into any stream, reservoir, lake or pond.
- G. Soils: Permittee shall conduct the permitted operations in a manner which prevents rutting, or soil erosion.

- H. **Vegetation Damage/Removal:** All operations shall be conducted in a manner which prevents damage to or loss of vegetation cover. Poles may be cut for temporary facilities if these are authorized by permit on public land. Cutting, clearing or defacing of standing trees, alive or dead, or clearing and cutting of shrub/groundcover for any other reason shall require specific advance authorization. When tree cutting is authorized, stumps shall be left no higher than 6 inches above ground level and slash shall be lopped and scattered. A separate permit is required for removal and transportation of woodland/tree products from public land.
- I. **Firewood Cutting:** Firewood may be cut on public land only for campsite use while on public land, and may not be transported off the public lands without a separate firewood cutting permit. Only dead and down trees shall be cut for firewood, with stumps left no higher than 6 inches above ground level, and the slash shall be lopped and scattered.
- J. **Protection of Public Property:** Signs, equipment, markers, fences, livestock watering facilities or any other property found on public land shall not be damaged, destroyed, defaced, removed, or disturbed.
- K. **Cultural Resources:** All persons associated with operations under this permit must be informed that any objects or sites of cultural, paleontological, and scientific interest, such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed or disturbed. If in connection with operations under this permit any of the above resources are discovered, the permittee shall immediately stop operations in the immediate area of the discovery, protect such resources, and notify the BLM authorized officer of the discovery. The immediate area of the discovery must be protected until the operator is notified in writing to proceed by the authorized officer.
- L. **Wilderness and Wilderness Study Areas (WSA):** Use of electric generators, all motorized and mechanized equipment including chainsaws and vehicles is prohibited within a Wilderness and most WSAs. Check with your local office to see if there are exceptions. If supplemental livestock feed is used, cubed, pelletized, or processed feed or certified weed free hay shall be used.
- M. Permittee is responsible for knowing where Public Land, Wilderness, and WSA boundaries are and the restrictions that may apply to an area of operation within these boundaries. Maps and information concerning restrictions are available at the local Field Office.

XVIII. PERFORMANCE EVALUATION

- A. The BLM shall conduct periodic inspections and performance evaluations of the permittee's operations and compliance with the terms, conditions and stipulations of the Permit.

Evaluation Ratings are as follows:

Acceptable means that the permittee has generally operated in accordance with the terms and conditions established for the permit

Probationary means that the permittee has not operated in full accordance with the terms and conditions of the permit. Corrective action by the holder is mandatory and continued operation at this level of performance is unacceptable. If this performance level is received 2 years in a row, the authorized officer may suspend or terminate the permit and/or deny future permit applications.

Unacceptable means that the permittee has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. This performance level will result in suspension or termination of permit privileges as appropriate to the circumstances.

- B. Violations and Penalties: Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 2932.40, which may include fines up to \$1,000 and/or imprisonment up to 12 months. Additionally, any such violation may result in permit cancellation, suspension, or probation. Violations may also be cause for the BLM to deny approval of a Special Recreation Permit or Operating Authorization for subsequent years. If a permit is terminated, permit applications will not be approved for any person connected to or affiliated with the operation under a cancelled or suspended permit.

XVIII. CERTIFICATION

I have read the terms, conditions, and stipulations of the Special Recreation Permit Information Colorado handbook and understand that I must abide by them while performing activities in connection with the permitted operations.

Date _____ Signature _____

Print Name _____

Company Name _____

Revised: January 2015

Attachment C

SPECIAL RECREATION PERMIT

ADDITIONAL SPECIAL STIPULATIONS

Use authorized under this permit will be subject to standard SRP terms, conditions and stipulations and the special stipulations described below:

1. An outfitter shall maintain accurate and up to date records.
2. The permittee will keep at their place of business (address provided to the BLM) current copies of First Aid training cards, blank client waivers, and permission to use or access private land or other agency land related to operations on BLM public land. The permittee must provide proof of these items to the BLM upon request.
3. The permit holder must take precautions to not spread noxious weeds to public lands.
4. The permit holder will make sure all guides and employees display the BLM parking pass on their vehicles when conducting business operations while using the vehicle on BLM public land.
5. The permit holder must ensure that clients stay on trails and do not take breaks off of the designated trails to protect sensitive plants in the area.
6. Cultural Resources and Native American Discovery Stipulations
If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Date

Permittee



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652

DECISION RECORD

PROJECT NAME. Commercial Mountain Biking Trips – Wilderness Voyageurs, New Special Recreation Permit (SRP) Permit

CATEGORICAL EXCLUSION NUMBER. DOI-BLM-CO-N040-2015-0084-CX.

DECISION. It is my decision to issue a new special recreation permit to Wilderness Voyageurs to operate commercial guided mountain biking trips (day use only) in the Hardscrabble Special Recreation Management Area (see details on map in Attachment A) for 6 days annually in September and October in 2015 and 2016. BLM has authority to grant such permits in accordance with 43 U.S.C. 1201; 43 U.S.C. 1701; 16 U.S.C. 460 L-6(a); and 43 CFR Group 2930.

PROCESS FOR APPEALS. Notice of the decision to be made on the action described in this categorical exclusion will be posted on the BLM's national register for land use planning and NEPA documents at https://www.blm.gov/epl-front-office/eplanning/lup/lup_register.do. The action is subject to appeal under 43 CFR 2931.8, parts 4 and 1840 of this title. A decision made under this part will go into effect immediately while appeals are pending unless a stay is granted under 4.21 (b) of this title.

An appeal is an opportunity for a qualified party to obtain a review of a BLM decision by an independent board of administrative judges within the Department of Interior's Board of Land Appeals (IBLA). The IBLA determines whether the BLM followed applicable laws and regulations, adhered to established policies and procedures, and considered relevant information in reaching a decision.

Individuals who believe they are adversely affected by a BLM decision to deny, modify or cancel a Special Recreation Permit (SRP) may appeal the decision. Appeals are made to the IBLA under Title 43 C.F.R, Part 4, pursuant to 43 C.F.R. 4.411. A person who wishes to appeal to the IBLA must file in the office of the officer who made the decision a notice that he wishes to appeal.

See Information on Taking Appeals to the Interior Board of Land Appeals (Form 1842-1) for further information. A copy of this form is available at the Colorado River Valley Field Office.

Authorizing Official:


Brian R. Hopkins
Assistant Field Manager

Date: 9-17-15